

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

BRENDA RAY BARTHEL,

Civil No. 10-0285 (JRT/RLE)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

LAKE OF THE WOODS POLICE
DEPARTMENT,

Defendant.

Brenda Ray Barthel, 2382 94th Avenue Northwest, Roosevelt, MN 56673, pro se plaintiff.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson, dated April 12, 2010, and no objections having been filed to said Report and Recommendation.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. That the Plaintiff's Application to Proceed in forma pauperis [Docket No. 2] is denied, as moot.
2. That this action is summarily dismissed, without prejudice, for failure to state a claim upon which relief can be granted, pursuant to Title 28 U.S.C. §1915(e)(2)(B)(ii), and for lack of prosecution.

Dated: May 10, 2010
at Minneapolis, Minnesota

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge